

AMENDED IN SENATE MARCH 24, 2014

AMENDED IN SENATE MARCH 6, 2014

SENATE BILL

No. 907

Introduced by Senator Monning

January 22, 2014

An act to add Sections 1297.18 and 1297.19 to, *and to repeal Article 2 (commencing with Section 1297.351) of Chapter 7 of Title 9.3 of Part 3 of*, the Code of Civil Procedure, relating to international commercial disputes.

LEGISLATIVE COUNSEL'S DIGEST

SB 907, as amended, Monning. International commercial disputes: representation and assistance.

~~Existing law, the International Commercial Arbitration and Conciliation Act,~~ *law* includes provisions that govern arbitration and conciliation proceedings for international commercial disputes. Existing law authorizes the parties in a conciliation proceeding to appear in person or be represented or assisted by any person of their choice, and provides that a person representing or assisting a party is not required to be a member of the legal profession or licensed to practice law in California.

This bill would ~~make these provisions~~ *recast the provision* regarding representation and assistance of parties, *thus making the provision* applicable to any arbitration or conciliation proceeding conducted pursuant to the statutory provisions that govern arbitration and conciliation of international commercial disputes. The bill would express the intent of the Legislature to promote California's interest in becoming a major center for international commercial arbitration, and would require the act to be construed liberally in order to effectuate that intent.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) ~~The International Commercial Arbitration and Conciliation~~
4 ~~Act was statutes governing the arbitration and conciliation of~~
5 *international commercial disputes were enacted in 1988 to*
6 recognize, support, and promote the benefits of international
7 commercial arbitration and conciliation in California.

8 (2) California's robust, internationally oriented economy and
9 concentration of large companies occupying positions of global
10 leadership make California an ideal venue for international
11 commercial arbitration.

12 (3) The economic benefits of being a center for international
13 commercial arbitration are substantial, broadly based, and
14 distributed across both state and municipal levels.

15 (b) Therefore, it is the intent of the Legislature that the
16 ~~International Commercial Arbitration and Conciliation Act~~ *statutes*
17 *governing the arbitration and conciliation of international*
18 *commercial disputes* be broadly construed so as to promote
19 California's interest in becoming a major center for international
20 commercial arbitration.

21 SEC. 2. Section 1297.18 is added to the Code of Civil
22 Procedure, to read:

23 1297.18. In any proceeding or procedure conducted pursuant
24 to this title, the parties may appear in person or be represented or
25 assisted by any person of their choice. A person representing or
26 assisting a party need not be a member of the legal profession or
27 licensed to practice law in California.

28 SEC. 3. Section 1297.19 is added to the Code of Civil
29 Procedure, to read:

30 1297.19. This title shall be construed liberally in order to
31 effectuate its legislative intent. The purposes of this title and all
32 of its provisions with respect to powers granted shall be broadly
33 interpreted to effectuate that intent and purposes and not as to any
34 limitation of powers.

1 *SEC. 4. Article 2 (commencing with Section 1297.351) of*
2 *Chapter 7 of Title 9.3 of Part 3 of the Code of Civil Procedure is*
3 *repealed.*

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